

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

OCT 03 2013

Clerk, U.S. District Court  
District Of Montana  
Missoula

JASON CHRIST,

Plaintiff,

vs.

STATE OF MONTANA, CITY OF  
MISSOULA POLICE DEPARTMENT,  
OFFICE OF THE PUBLIC DEFENDER,  
DETECTIVE STACY LEAR, and  
JUDGE KAREN TOWNSEND,

Defendants.

CV 13-75-M-DWM-JCL

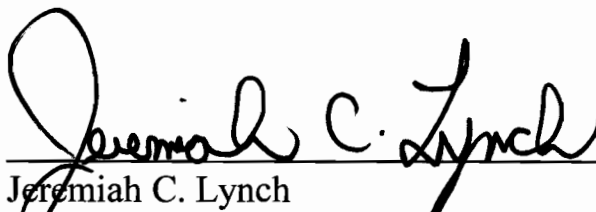
FINDINGS &  
RECOMMENDATION

Plaintiff filed his complaint in this case on April 18, 2013. As of the date of this Order, however, he has not served his complaint on the State of Montana or the Office of the Public Defender. Fed. R. Civ. P. 4(m) requires that a plaintiff serve a complaint and summons within 120 days of filing “after the complaint is filed.” Unless a plaintiff “shows good cause” for failing to timely serve a complaint on a defendant, “the court – on motion on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Plaintiff filed his complaint on April 18, 2013, which means he was required to serve the State of Montana and the Office of the Public Defender by August 16, 2013. More than

a month has elapsed since that deadline. It clear from Christ's briefs in support of his prior motion to dismiss his own complaint without prejudice that he does not claim to have good cause for failing to serve these two Defendants. Accordingly,

IT IS RECOMMENDED that Christ's claims against the State of Montana and the Office of the Public Defender be dismissed without prejudice under Rule 4(m).

DATED this 3rd day of October, 2013.

  
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Jeremiah C. Lynch  
United States Magistrate Judge